

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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JOHN DOE,

Plaintiff,

v.

RIDER UNIVERSITY,

Defendant.

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Civil Action No. 3:16-cv-4882-BRM-TJB

**ORDER**

**THIS MATTER** is opened to the Court by Defendant Rider University's ("Rider" or "Defendant") Motion to Dismiss Counts III, IV, and V of Plaintiff John Doe's ("Plaintiff") Amended Complaint. (ECF No. 42.) Plaintiff opposes the Motion. (ECF No. 44.) Having reviewed the submissions filed in connection with the Motion and having declined to hold oral argument pursuant to Federal Rule of Civil Procedure 78(b), for the reasons set forth in the accompanying opinion and for good cause shown,

**IT IS** on this 31st day of October 2018,

**ORDERED** that Defendant's Motion to Dismiss Plaintiff's Count V as to his erroneous outcome and deliberate indifference theories claims is **DENIED**, and it is further

**ORDERED** that Defendant's Motion to Dismiss Plaintiff's Count V claim as to his selective enforcement theory claim is **GRANTED without prejudice**; and it is further

**ORDERED** that Defendant's Motion to Dismiss Plaintiff's Counts III and IV is **GRANTED without prejudice**, and it is finally

**ORDERED** that the Clerk shall seal the Opinion and that the parties shall file a consolidated motion to seal within 14 days of this Order.

/s/ *Brian R. Martinotti*  
**HON. BRIAN R. MARTINOTTI**  
**UNITED STATES DISTRICT JUDGE**